

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JESUS RAY BROADIE,

Plaintiff,

v.

Case No. 08-C-690

DR. LINDA FAGENT,

Defendant.

ORDER

The plaintiff, Jesus Broadie, who is proceeding pro se, lodged a civil rights complaint under 42 U.S.C. § 1983, alleging that his civil rights were violated. For the reasons stated herein, the complaint will be dismissed without prejudice.

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner plaintiff is required to pay the statutory filing fee of \$350.00 for a federal lawsuit. If a prisoner does not have the money to pay the filing fee up front, he or she can request leave to proceed *in forma pauperis* in order to pay the fee over time. To proceed with an action *in forma pauperis*, a prisoner must complete a petition and affidavit to proceed *in forma pauperis* and return it to the court with a certified copy of the prisoner's trust account statement showing transactions for the prior six months. The court then assesses and, when funds exist, collects from the plaintiff an initial partial filing fee of twenty percent of either the average monthly deposits to or the average monthly balance in the prisoner's trust account for the six-month period immediately preceding the filing of the complaint.

The plaintiff has not paid the statutory filing fee for this lawsuit. He has filed a certified copy of his institutionalized account statement showing transactions for the six-month period immediately preceding the filing of his complaint. However, he has not filed a petition to proceed *in forma pauperis* and an appropriate affidavit. On August 15, 2008, the Court issued an order warning the plaintiff that he must submit such a petition and affidavit within 21 days, or show cause why he is unable to do so. The Court informed the plaintiff that his failure to do so would result in the dismissal of his complaint. Because the plaintiff still has not filed a petition and affidavit to proceed *in forma pauperis*, his complaint is hereby dismissed without prejudice.

SO ORDERED this 18th day of September, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge